

Table of Exceptions to the 1,039-Hour Limit

(References: ORS 238.082, 238.092(2), 399.075(8), and OAR 459-017-0060)

This exception applies to a retired member who is employed:	Who's eligible for the exception? (**)					
	Tier One/Tier Two			OPSRP Pension Benefit (**)	Effective Date of Exception	Date exception expires
	"Normal" benefit (#)	Early Retirement (*)	Total Lump Sum (**)			
As an administrator or teacher by a school district or educational service district that has its administrative office located in a county of 35,000 or less population. NOTE: This exception was amended in 2007. The amended exception is in two parts: 1) As an administrator or teacher by a school district or community college district located in a county of 35,000 or less population; or 2) As an administrator or teacher by an education service district and the retired member's primary work duties are performed in a county of 35,000 or less population.	Yes	<u>Yes, but limited; see note(*)</u>	No	No	1/1/04 – 7/15/07 7/16/07 7/16/07	N/A
By the sheriff of a county with less than 75,000 population.	Yes	No	No	No	July 30, 2003	N/A
By the municipal police department of a city with less than 15,000 population.	Yes	No	No	No	July 30, 2003	N/A
By the state or a county for work in a correctional institution in a county of less than 75,000 population.	Yes	No	No	No	July 30, 2003	N/A
By the Oregon State Police for work in a county of less than 75,000 population.	Yes	No	No	No	July 30, 2003	N/A
As a temporary replacement for an employee called to active duty in the National Guard or an Armed Forces Reserve component.	Yes	No	No	No	July 30, 2003	N/A
By a road assessment district organized under ORS 371.405-.535.	Yes	No	No	No	July 30, 2003	N/A
By Black Butte Ranch R.F.P.D., the Black Butte Ranch Service District, or the Sunriver Service District.	Yes	No	No	No	November 4, 2005	N/A
As a deputy director or assistant director of the Department of Human Services (<u>Note: this exception must be approved by the Governor</u>).	Yes	No	No	No	June 7, 2007	N/A
As a nurse or for the purpose of teaching nursing, provided the retiree is a nurse. This exception is only available during a nursing workforce shortage declared by the Legislative Assembly or the Governor. (<u>Note: a nursing workforce shortage was declared when this exception was passed into law</u>).	Yes	No	No	No	July 1, 2007	When declaration is revoked.
As a nursing instructor. (<u>Note: the retiree must be a registered nurse</u>).	Yes	No	No	No	January 1, 2008	January 2, 2016
By the Department of Public Safety Standards and Training to provide training.	Yes	No	No	No	January 1, 2008	January 2, 2016
By a school district or education service district as a speech-language pathologist or speech-language pathologist assistant.	Yes	<u>Yes, but limited; see note(*)</u>	No	No	July 16, 2007	<u>January 2, 2016</u>
Is <u>on state active duty with the National Guard</u> and has reached "normal" retirement age. (ORS 399.075(8)) (Available to early retiree only if the retiree has reached normal retirement age.)	Yes	Yes	No	No	June 11, 2003	N/A
By the Legislative Assembly or the Oregon State Police for service during a legislative session. (ORS 238.092(2))	Yes	Yes	No	No	July 16, 2007	N/A

PLEASE NOTE: If a retired member is working for a PERS employer in a position UNDER AN EXCEPTION, and is concurrently working for another PERS employer in a position NOT UNDER AN EXCEPTION, only the hours worked in the position NOT UNDER AN EXCEPTION count toward the 1,039 limit. This exclusion is retroactive back to the later of January 1, 2004, or the date the applicable exception was created by statute.

(**) Only Chapter 238 Tier One/Tier Two retirees who are receiving their retirement benefit in monthly payments may take advantage of the 1039-hour/calendar year limit and the exceptions to that limit. **Chapter 238 Tier One/Tier Two retirees who chose the Total Lump Sum option and OPSRP Pension Program retirees MAY NOT take advantage of the 1039-hour/calendar year limit, or any of the exceptions to that limit. There are different work after retirement restrictions for these retirees. Due to Senate Bill 112, restrictions for Chapter 238 Tier One/Tier Two retirees who chose the Total Lump Sum option will change on January 1, 2010. See the “Working after Retirement” document referred to below for more comprehensive information.**

(#) A “normal” retirement benefit is one that is not reduced because the member chose early retirement. A Chapter 238 Tier One/Tier Two member would receive a “normal” retirement benefit if they retired with at least 30 years total service credit, regardless of age. A Chapter 238 general service member would receive a “normal” benefit if: 1) The member retired at age 58 or older as a Tier One member, or 2) The member retired at age 60 or older as a Tier Two member. A Chapter 238 Tier One or Tier Two Police & Fire member would receive a “normal” benefit if: 1) The member retired at age 55, or 2) The member retired at age 50 with at least 25 years’ service credit.

(*) An “early” retirement benefit is actuarially reduced because the member starts receiving benefits before normal retirement age. Unless the member has 30 years service credit, Chapter 238 Tier One general service members retiring between ages 55 and 57 and Chapter 238 Tier Two general service members retiring between ages 55 and 59 are considered “early” retirees. Chapter 238 Tier One/Tier Two Police & Fire members retiring between ages 50 and 54 without 25 years’ service credit are considered “early” retirees. **Only a limited number of 1039 exceptions are available to “early” retirees, and an “early” retiree must wait six full months after retirement before he/she can be employed in a position under a 1039 exception that is available to early retirees.**

For more comprehensive information about working after retirement, click on the “Working after Retirement” document available under the “General Information” link on the PERS Employer website, www.oregon.gov/pers/emp/index.shtml

Specific questions regarding reemployment of retired members should be directed:

By employers, to the PERS Employer Service Center;

By members, to the PERS Customer Service Center.